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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,403	02/06/2004	Peter G. Donnelly	118600	5030

25944 7590 05/25/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,403

Applicant(s)

DONNELLY, PETER G.

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-32*** are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al. (United States Patent 5,999,599), hereinafter referenced as Shaffer.

Regarding **claim 1**, Shaffer discloses a method for selecting the alert used to announce a call made by a user participating in a customized alert service, the method including: (a) establishing a customized alert service configuration for a participating user, the customized alert service configuration being stored on one or more network accessible devices; (b) the participating user using a first communications terminal to make a call to a second communication terminal, the call being supported by a first communication service; (c) identifying a chosen alert descriptor from the customized alert service configuration for the participating user; (d) the second communications terminal retrieving the chosen alert descriptor from a location remote from the first communications terminal and the second communications terminal; and (e) the second communications terminal announcing the call by activating an alert using the chosen alert descriptor, as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2.

Regarding **claim 2**, Shaffer discloses a method for selecting the alert used to announce a call made by a user participating in a customized alert service, the method including: (a) establishing a customized alert service configuration for a participating user which includes multiple alert descriptors, the customized alert service configuration being stored on one or more network accessible devices; (b) the participating user using a first communication terminal to make a call to a second communication terminal, the call being supported by a first communications service; and (c) the second communications terminal announcing the call by activating an alert using a chosen alert descriptor; and (d) wherein the chosen alert descriptor is selected from the participating user's multiple alert descriptors according to the customized alert service configuration for the participating user, as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2.

Regarding **claim 3**, Shaffer discloses a method for selecting the alert used to announce a call made by a user participating in a customized alert service, the method including: (a) establishing a customized alert service configuration for a participating user which includes multiple alert descriptors, the customized alert service configuration being stored on one or more network accessible devices; (b) the participating user using a first communication terminal to make a call to a second communication terminal, the call being supported by a first communications service; and (c) the second communications terminal announcing the call by activating an alert using a chosen alert descriptor; wherein the alert descriptor is chosen according to the customized alert service configuration for the participating user; as disclosed at column 3, line 61 through

column 4, line 50 and exhibited in figure 2; and wherein recently used alert descriptor are cached at the second communications terminal or a network accessible device ready for rapid re-use, as disclosed at column 6, lines 16-53.

Regarding **claim 4**, Shaffer discloses a method for selecting the alert used to announce a call made by a user participating in a customized alert service, the method including: (a) providing a range of alert descriptors available for selection and use by participating users; (b) establishing a customized alert service configuration for a participating user which includes multiple alert descriptors, the customized alert service configuration being stored on one or more network accessible devices; (c) the participating user using a first communication terminal to make a call to a second communication terminal, the call being supported by a first communications service; and (d) the second communications terminal announcing the call by activating an alert using a chosen alert descriptor; wherein the alert descriptor is chosen according to the customized alert service configuration for the participating user; as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2; and wherein recently used alert descriptor are cached at the second communications terminal or a network accessible device ready for rapid re-use, as disclosed at column 6, lines 16-53.

Regarding **claim 5**, Shaffer discloses everything claimed as applied above (see claims 1 to 3), in addition, Shaffer discloses wherein selecting and/or providing of at least one alert descriptor includes selecting an alert descriptor from a set of available alert descriptor, as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2.

Regarding **claim 6**, Shaffer discloses everything claimed as applied above (see claim 5), in addition, Schaffer discloses wherein the set of selectable alert descriptors is contained on a network accessible device, as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2.

Regarding **claim 7**, Shaffer discloses everything claimed as applied above (see claims 2 to 4), in addition, Schaffer discloses wherein alert descriptor information is transmitted from one communications terminal to another during the course of a voice call between two or more terminals, as disclosed at column 3, line 61 through column 4, line 50 and exhibited in figure 2.

Regarding **claim 8**, Shaffer discloses everything claimed as applied above (see claim 7), in addition, Shaffer discloses wherein transmission of alert descriptor information inherently occurs interleaved with voice conversation.

Regarding **claims 9-32**, Shaffer discloses everything claim, in addition claims 9-32 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-8.

Conclusion

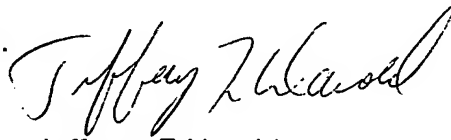
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
May 23, 2005



Jefferey F Harold
Examiner
Art Unit 2644